

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 298

Citations Affected: IC 32-28; IC 32-29.

Synopsis: Mortgages and liens on real property. Proposed conference committee report for ESB 298. Removes a provision specifying that a mortgage or vendor's lien that was created before September 1, 1982, on real estate in Indiana expires 20 years after the last installment of the secured debt is due. Provides that if a mortgage or vendor's lien does not show the due date of the last installment, the mortgage or lien expires 10 years (instead of 20 years under current law) after the date of execution of the mortgage or lien. Provides that if: (1) the record of the mortgage or lien does not show the due date of the last installment; and (2) the execution date is omitted from the mortgage or lien; the mortgage or lien expires 10 years (instead of 20 years under current law) after the mortgage or lien is recorded. Provides exceptions to these expiration periods if a foreclosure action is brought or maintained not later than the applicable expiration period. Makes corresponding changes in the provision that allows the mortgagee or lienholder to file an affidavit stating when the debt becomes due. Provides that at any time after a judgment and decree of sale is entered in an action to foreclose a mortgage on an interest in real property in Indiana, an interested person or an omitted party may bring a civil action concerning an omitted party's interest in the property. Provides that upon the filing of such an action, the court shall determine the extent of the omitted party's interest and issue a decree terminating that interest, subject to the right of the omitted party to redeem the property if the omitted party would have had redemption rights under existing law. Sets forth factors that the court must consider in determining the terms of redemption. Provides for the amount to be paid for redemption and the time allowed for payment. Provides that: (1) the senior lien on which the foreclosure action was based is not extinguished by merger with the title to the property conveyed to a purchaser at the judicial sale until the interest of any omitted party has been terminated; and (2) until an omitted party's interest is terminated, the purchaser at the judicial sale is the equitable owner of the senior lien. Provides that an interested person's rights under the new provisions may not be denied because of certain acts or omissions by the interested person. Makes technical changes. **(This conference committee report does the following: (1) Removes a provision that specifies that in a rental agreement between the owner of a mobile home community and a tenant, any provision that purports to prohibit the tenant from displaying: (A) a religious symbol; (B) the American flag; (C) the state flag of Indiana; or (D) a POW/MIA flag; is void. (2) Makes**

a technical change.)

Effective: Upon passage; July 1, 2012.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 298 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 4, line 23, delete "person who:" and insert "**person:**".
- 2 Page 4, line 24, after "(A)" insert "**who**".
- 3 Page 6, delete lines 39 through 42.
- 4 Page 7, delete lines 1 through 16.
- 5 Renumber all SECTIONS consecutively.
(Reference is to ESB 298 as reprinted February 28, 2012.)

Conference Committee Report
on
Engrossed Senate Bill 298

Signed by:

Senator Zakas
Chairperson

Representative Speedy

Senator Lanane

Representative Riecken

Senate Conferees

House Conferees